IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Appellate Side
WRIT PETITION NO.6596 OF 2006
with
WRIT PETITION NO.6598 OF 2006

Sharad Dwarkaprasad Sharma. .. .. Petitioner
v/s.
The State of Maharashtra & ors. .. Respondents

Mr.B.G.Tangsali for petitioner.
Mr.P.I.Khemani, AGP for respondents.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 12th October 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. Rule. Rule is made returnable forthwith.

3. Both these Petitions are concerning the vehicles which have their engines on the front side and containers on the rear side. The two vehicles involved in both these matters are registered in Nagaland bearing No.NL-02/D-9764 and No.NL-2/D-9773 respectively. Both these vehicles are more than eight years old. They have been seized since they do not have the CNG/LPG kit which is required for plying the vehicles in the area of Greater Mumbai.

4. The request of the petitioners is to permit the petitioners to take both these vehicles outside the city area. Mr.Tangsali appearing for the petitioners points out that by directing the parties to pay appropriate amount of fine they have been permitted to move such vehicles outside the area of Greater Mumbai. He has drawn our attention to similar orders passed by different Division Benches, including the one dated 22nd August 2006 passed by this Bench in **Writ Petition No.5455 of 2006 (Pandurang D. Shinde vs. State of Maharashtra).**

5. Mr.Khemani, learned AGP appearing for the respondents, has submitted that the fines have been imposed in such matters ranging from Rs.10,000/- to Rs.20,000/- and that no leniency should be shown and since Rs.10,000/- to Rs.20,000/- has been the range of the fine, the vehicles should be permitted to go out on payment of Rs.20,000/-.

6. Having noted the submissions, in the facts and circumstances of both these cases, we allow both these Petitions and pass the following order:-

(i). The petitioners will file an undertaking with RTO that the vehicles will be moved outside the area of Greater Mumbai within two weeks from the date on which the amount of fine, as stipulated herein, is deposited with RTO.

(ii). Before moving the vehicles, a fine of Rs.20,000/- each will be deposited with RTO, Mumbai.

7. Rule is made absolute in the aforesaid terms in both the Petitions. No costs.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)